

as the case may be, the names of such persons to be placed upon the roll of employees of the House of Representatives, together with the amount to be paid each; and Representatives, Delegates, and Resident Commissioners elected to Congress shall likewise be entitled to make such designations: *Provided*, That such persons shall be subject to removal at any time by such Member, Delegate, or Resident Commissioner with or without cause.

(Jan. 25, 1923, ch. 43, 42 Stat. 1217; July 25, 1939, ch. 352, §1, 53 Stat. 1080; Aug. 5, 1955, ch. 568, §11(b), 69 Stat. 509; Aug. 3, 1956, ch. 938, §1(b), 70 Stat. 990.)

AMENDMENTS

1956—Act Aug. 3, 1956, inserted provision that where constituency is five hundred thousand or more, the number of clerks permitted may be increased by one.

1955—Act Aug. 5, 1955, substituted “to those persons, not to exceed eight in number” for “to one, two, or three persons”.

1939—Act July 25, 1939, substituted “to one, two, or three persons” for “to one or two persons”.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Aug. 5, 1955, effective Aug. 1, 1955, see section 14 of that act.

EFFECTIVE DATE OF 1939 AMENDMENT

Amendment by act July 25, 1939, effective Jan. 1, 1940, see section 4 of that act.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EMPLOYMENT OF PERMANENT CLERKS

House Resolution 359, Ninety-sixth Congress, July 20, 1979, as enacted into permanent law by H.R. 7593, as passed the House of Representatives on July 21, 1980, and enacted into permanent law by Pub. L. 96-536, §101(c), Dec. 16, 1980, 94 Stat. 3167, provided: “That, notwithstanding any provision of law, rule, or other authority, each Member shall be entitled to employ not more than eighteen permanent clerks, except that not more than four employees designated by the Member to the Clerk of the House as falling into one of the following categories need not be counted as permanent clerks:

- “(1) Part-time employees.
- “(2) Employees drawing compensation from more than one employing authority of the House.
- “(3) Interns.
- “(4) Employees on leave without pay.
- “(5) Temporary employees.

All clerks authorized by this section shall be paid from the clerk hire allowance of the Member involved. Employees so designated by the Member as temporary employees or interns shall not be eligible to participate in the health and life insurance program, or to participate in the Civil Service Retirement Act.

“SEC. 2. The total of the salary payments by a Member from the clerk hire allowance for a monthly pay period shall not exceed one-tenth of the single per annum gross rate of the clerk hire allowance of such Member: *Provided, however*, That not more than one-fourth of a Member's total annual clerk hire allowance may be used in each quarterly period.

“SEC. 3. For purposes of this resolution—

“(1) part-time employees may not be compensated at a rate in excess of \$750 per month, or may not have a normally assigned work period that exceeds an average of fifteen full working days per month;

“(2) interns shall be employed primarily for their educational experience in Washington, District of Columbia, for a period not to exceed one hundred and twenty days in any one year and may not be compensated at a single per annum gross rate of more than \$7,800; and

“(3) temporary employees must be employed for a specific purpose or task and may not be employed by a Member for more than three months in any one year, except by written permission of the Committee on House Administration.

“SEC. 4. As used in this resolution, the term ‘Member’ means a Representative in, or Delegate or Resident Commissioner to the Congress.

“SEC. 5. The Committee on House Administration shall adopt such rules and regulations as are necessary to carry out this resolution. Except as otherwise provided by law, any funds necessary to carry out this resolution shall be paid from the contingent fund of the House.

“SEC. 6. This resolution shall take effect on the first day of the first month beginning after the month in which this resolution is agreed to [July 1979].”

House Resolution 357, Ninety-first Congress, June 25, 1969, as enacted into permanent law by Pub. L. 91-145, §103, Dec. 12, 1969, 83 Stat. 359, provided in part: “That, effective on the first day of the first month which begins after the date of adoption of this resolution [June 25, 1969], there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to increase the basic clerk hire allowance of each Member and the Resident Commissioner from Puerto Rico by an additional \$2,500 per annum, and each such Member and Resident Commissioner shall be entitled to one clerk in addition to those to which he is otherwise entitled.”

CROSS REFERENCES

Adjustment of allowances by Committee on House Administration, see section 57 of this title.

Delegates from Guam and Virgin Islands, clerk hire, see section 1715 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 25b of this title.

§92-1. Clerk hire allowance payments; place of performance of services

No person shall be paid from any clerk hire allowance if such person does not perform the services for which he receives such compensation in the offices of such Member or Resident Commissioner in Washington, District of Columbia, or in the State or the district which such Member or Resident Commissioner represents.

(Pub. L. 89-90, §103, July 27, 1965, 79 Stat. 281.)

CODIFICATION

Section is based on section 2 of House Resolution 294, Eighty-eighth Congress, Aug. 14, 1964, as continued by House Resolution 7, Eighty-ninth Congress, Jan. 4, 1965, which was enacted into permanent law by Pub. L. 89-90.

§92a. Pay of clerical assistants as affected by death of Senator or Representative

When a Senator or Member of the House of Representatives or Delegate or Resident Commissioner dies during his term of office the clerical assistants appointed by him, and then borne upon the pay rolls of the Senate or House of

Representatives, shall be continued on such pay rolls in their respective positions and be paid for a period not longer than one month: *Provided*, That this shall not apply to clerical assistants of standing committees of the Senate or House of Representatives, when their service otherwise would continue beyond such period.

(Feb. 23, 1927, ch. 168, § 1, 44 Stat. 1148.)

EMPLOYEES OF SENATE

Pub. L. 98-473, title I, § 123A(a), Oct. 12, 1984, 98 Stat. 1969, provided that this section shall not apply to any employee of Senate.

CROSS REFERENCES

Pay of clerical assistants to be continued until successor of deceased or resigned Member of House is elected, see section 92b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 92b of this title.

§ 92b. Pay of clerical assistants as affected by death or resignation of Member of House

Notwithstanding the provisions of section 92a of this title, in case of the death or resignation of a Member of the House during his term of office, the clerical assistants designated by him and borne upon the clerk hire pay rolls of the House of Representatives on the date of such death or resignation shall be continued upon such pay rolls at their respective salaries until the successor to such Member of the House is elected to fill the vacancy.

(Aug. 21, 1935, ch. 600, § 1, 49 Stat. 679; Apr. 24, 1950, ch. 96, 64 Stat. 82; July 15, 1952, ch. 759, § 1, 66 Stat. 662; Sept. 6, 1966, Pub. L. 89-554, § 8(a), 80 Stat. 657.)

AMENDMENTS

1966—Pub. L. 89-554 struck out sentence which related to retirement service credit.

1952—Joint Res. July 15, 1952, provided retirement credit to employees for time they were separated from employment following death or resignation of a Member and before election of his successor.

1950—Joint Res. Apr. 24, 1950, struck out second sentence which limited continuance of clerical assistants of deceased or resigned House Members on pay roll to six months.

EFFECTIVE DATE

Section 4 of act Aug. 21, 1935, provided that: "This joint resolution [enacting sections 92b to 92d of this title] shall be effective as of the beginning of the Seventy-fourth Congress, January 3, 1935."

CROSS REFERENCES

Pay of clerical assistants as affected by death of Senator or Representative, see section 92a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 25b, 92b-1, 92c, 92d of this title.

§ 92b-1. Termination of service of Members of House

(a) Until otherwise provided by law, for purposes of sections 92b, 92c, and 92d of this title, any termination of service during a term of office of a Member of the House that is not described in section 92b of this title shall be treat-

ed as if such termination were described in such section.

(b) The Clerk of the House shall take such action as may be necessary to apply the principles of section 92c of this title in the carrying out of sections 92b-1 to 92b-3 of this title.

(Pub. L. 97-51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

CODIFICATION

Section is based on section 1 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97-51.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 92b-2, 92b-3 of this title.

§ 92b-2. Authority to prescribe regulations

The Committee on House Administration shall have authority to prescribe regulations for the carrying out of sections 92b-1 to 92b-3 of this title.

(Pub. L. 97-51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

CODIFICATION

Section is based on section 2 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97-51.

CHANGE OF NAME

Committee on House Administration of House of Representatives changed to Committee on House Oversight of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 92b-1, 92b-3 of this title.

§ 92b-3. Vouchers

Payments under sections 92b-1 to 92b-3 of this title shall be made on vouchers approved by the Committee on House Administration and signed by the chairman of such committee.

(Pub. L. 97-51, § 101(c), Oct. 1, 1981, 95 Stat. 959.)

CODIFICATION

Section is based on section 3 of House Resolution 804, Ninety-sixth Congress, Oct. 2, 1980, as enacted into permanent law by H.R. 4120, as reported July 9, 1981, which was enacted into permanent law by section 101(c) of Pub. L. 97-51.

CHANGE OF NAME

Committee on House Administration of House of Representatives changed to Committee on House Oversight of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 92b-1, 92b-2 of this title.

§ 92c. Performance of duties by clerical assistants of dead or resigned Member of House

Any clerical assistants who continue on the House pay rolls under the provisions of section 92b of this title shall, while so continued, per-